

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ELIZABETH BONSU APPIAH / MORNING STAR DAYCARE LLC, SP 2014-LE-114 Appl. under Sect(s). 3-1203 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3349 Beechcliff Dr., Alexandria, 22306, on approx. 1,760 sq. ft. of land zoned R-12. Lee District. Tax Map 92-4 ((12)) 39 A. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 24, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
3. The backyard is very small, but under the development conditions, the applicant will have to continue to have permission from the next door neighbor to use both back yards for the play area. The Board has received a letter from the neighbor giving permission to use his backyard.
4. All drop-offs and pick-ups can be accomplished in the driveway, which can accommodate two cars and will minimize the impact.
5. The applicant has read, understands, and concurs with the proposed development conditions.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Elizabeth Bonsu Appiah, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3349 Beechcliff Dr., and is not transferable to other land.

2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat Showing House Location Survey Lot 39A, Holly Acres," prepared by Barry L. Wissinger, L.S., on March 20, 2014, as revised by Elizabeth Bonsu Appiah through May 5, 2014, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 6:00 a.m. to 12:00 a.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m., Saturday and Sunday. There shall be no more than ten (10) children present on-site at any one time between the hours of 6:00 a.m. to 6:00 p.m., Monday through Friday. There shall be no more than six (6) children present between the hours 6:00 p.m. to 12:00 a.m.
5. There shall be no more than six (6) children present on Saturday and Sunday between the hours of 10:00 a.m. to 4:00 p.m.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall be ten.
8. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
9. There shall be no signage associated with the home child care facility.
10. The approval of this use is contingent on the adjacent neighbor's permission to utilize the shared rear yard for outdoor play area.
11. All drop-off and pick-up of children shall take place in the applicant's driveway.
12. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
13. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

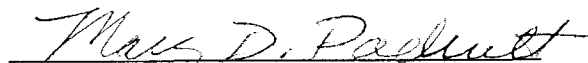
14. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards".

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Ms. Theodore seconded the motion, which carried by a vote of 5-1. Mr. Hammack voted against the motion. Mr. Smith was absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals